

Guide

Applying for a **Conditional Use Permit**

What is it?

Alameda County is divided into zoning districts, which govern the land uses permitted on properties in each district. Some uses are prohibited, some are allowed outright, and some are allowed if the owner obtains a Conditional Use Permit. The Permit process allows the County to review certain types of uses to ensure they are compatible with their surroundings. The permit may include conditions on the design, operation or duration of the use.

How do I find out if I need one?

Check with the Planning Department to determine the zoning district in which your property is located. Then request a list of permitted and conditional uses in that district. This list will tell you if your project is subject to a Conditional Use Permit. There are a few land uses that are a Conditional Use in any district.

When can it be granted?

By law, Alameda County must make the following findings to grant a Conditional Use Permit.

1. The use is required by the public need.
2. The use will be properly related to other land uses transportation and service facilities in the vicinity.
3. The use, if permitted, under all the circumstances and conditions of the particular case, will not materially affect adversely the health or safety of persons residing or working in the vicinity, or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.
4. The use will not be contrary to the character or performance standards established for the District in which it is to be located.

What conditions might be applied?

Conditions vary depending on the zoning district the proposed use and the individual circumstances of the property and neighborhood where the use would be located. Examples of conditions include restrictions on hours of operation, the number of people permitted in a structure, the length of time a permit is valid, and whether periodic review is needed. Requirements concerning landscaping and the number of parking spaces on the site may be imposed. Conditions recommended by other agencies may also be included.

Who decides whether to approve it?

Either the West County Board of Zoning Adjustments or East County Board of Zoning Adjustments, depending on where the property under application is located; or in some cases the Planning Commission.

What is the process?

1. **Pre-Application** – Talk to a Planning Department staff member to determine what materials you need to prepare.
2. **Application Filing** – Submit the required applications and materials to the Planning Department. You must contact the Planning Department and set up an appointment with a Senior Planner to review the proposed application.
3. **Staff Review** – Planning Department staff will review the materials to ensure that the proposed project meets the minimum zoning requirements, and then refer your application to public agencies such as school, park, and fire districts. Staff will visit your property and write a report and make a recommendation to the Board of Zoning Adjustments or Planning Commission. We will notify you of a public hearing date and send you a copy of the staff report prior to the hearing. We will also mail and post public hearing notices in your neighborhood.

Alameda County Planning Department

224 West Winton Avenue, Room 111, Hayward, CA 94544

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4. **CEQA Review** – Generally applications of this type are exempt from the California Environmental Quality Act (CEQA). However there may be exceptions depending on the project, and further environmental review and time may be necessary at additional cost.
5. **Castro Valley Municipal Advisory Council** – For proposed Conditional Use Permits in Castro Valley only: A public hearing is held before the CVMAC, which will make a recommendation to the Board of Zoning Adjustments or Planning Commission.
6. **Public Hearing** – At the hearing, the Board of Zoning Adjustments will consider your testimony as well as that from any other interested person. The Board of Zoning Adjustments will then decide to approve, conditionally approve or deny your request for a Conditional Use Permit. A written resolution will be mailed to you 2 days later.
7. **Appeal Period** – There will be a 10-day appeal period, after which time the Board of Zoning Adjustment's action will be final, unless a written appeal is filed with the Board of Supervisors.

What must I submit?

- A complete **Standard Application** form signed by the property owner.
- A complete **Application Supplement Conditional Use Permit** form.
- **\$1,500** at cost deposit for all districts.
\$4,000 deposit to approve: *an outdoor recreation facility, sanitary landfill, flight strip, heliport, cemetery, church, or school*
- Twenty (20) copies of plot plan drawn to a reasonable (legible) scale. A sample plot plan is included at the back of the **Application Supplement Conditional Use Permit** form.

- A brief written statement explaining how your proposed use relates to each of the four findings required by law for a Conditional Use Permit to be granted.
- Any additional materials requested by the Planning Department.

How long is the process?

In most cases, two to three months, depending on the proposed use and the complexity of the project. Some applications will require much more time to process. An Appeal will add approximately two months to the processing time.

What is the cost?

The County charges the cost of processing the application. For some routine types of applications the county has set a deposit of \$1,500 for all districts.

Many if not most applications are processed at actual cost. These include applications for *an outdoor recreation facility, sanitary landfill, flight strip, heliport, cemetery church, or school*. For such applications, there is a standard \$4,000 deposit. Your required deposit may be more or less than this amount, depending on the complexity or magnitude of the proposed Conditional Use Permit. If the deposit is depleted, you must deposit additional money for application processing to continue. We will refund any excess funds to you.

What information should I include in my written statement?

You may include any information that you believe will support your application and written findings. You should include information describing the size, hours and days of operation, number of employees, lighting, noise generation, and parking issues the project may generate. Common sense, factual information is very useful. You may also submit any drawings or other materials that would support your application and written findings.

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Be sure the drawings clearly show all relevant views of any structures. Remember, you as the applicant probably know more about your proposed project than anyone else. Let us know what you know. We also appreciate photos.

Is there a public hearing?

Yes. A public hearing is required for a Conditional Use Permit. Either the West County Board of Zoning Adjustments or East County Board of Zoning Adjustments will hear your application, depending on where the property under application is located, or in certain cases (larger projects such as schools) the Planning Commission.

What conditions might be applied?

Conditions vary depending on the particular use and its proposed location. Possible conditions include restrictions on hours of operation, the type of structure, that may be used, and the length of time the permit is valid.

What if my application is denied?

You or another interested party may appeal the Board of Zoning Adjustments or the Planning Commission's decision to the Board of Supervisors, who will reconsider your request. The Board of Supervisors' decision is final.

How is an appeal filed?

You or any other person, who is not satisfied with the decision, may appeal the action to the Clerk of the Board of Supervisors within 10 calendar days of the decision. To appeal, you must file an appeal letter and submit a fee (\$250 for applicant or other interested parties) to the Board of Supervisors, which will then set a date for a public hearing to consider the appeal.

Where are public hearings held?

Castro Valley Municipal Advisory Council hearings are held on the 2nd and 4th Mondays of the month at 6:00 p.m. The Council meets in the Boardroom of the Castro Valley Unified School District offices at 4400 Alma Avenue in Castro Valley.

East County Board of Zoning Adjustments hearing is held on the 4th Thursday of the month at 1:30 p.m. The Board meets in the Public Works Operations Building at 5825 Gleason Drive in Dublin.

West County Board of Zoning Adjustments hearings are held on the 2nd and 4th Wednesdays of the month at 6:30 p.m. (2nd Wednesday) and 1:30 p.m. (4th Wednesday). The Board meets in Room 160 of the Alameda County Community Development Agency offices at 224 West Winton Avenue in Hayward.

The Alameda County Planning Commission hearings are held on the 1st and 3rd Mondays of the month at 6:00 p.m. (1st Monday) and 1:30 p.m. (3rd Monday). The Commission meets in Room 160 of the Alameda County Community Development Agency offices at 224 West Winton Avenue in Hayward.

The Alameda County Board of Supervisors generally holds hearings on planning and zoning matters on the 1st Thursday of the month at 9:00 a.m. in the Board of Supervisors chambers, 5th floor, 1221 Oak Street, in Oakland.

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Conditional Use Permit Application Supplement

Conditional Use Permit

- For complete filing instructions, see the **Standard Application** form.
- For general procedures and guidelines, read the handout “*Applying for a Conditional Use Permit*”
- You must make an appointment with a Planning Department staff member to determine if materials or information (in addition to those listed below) are needed to evaluate your project.
- If Conditional Use Permit involves new construction or additions, then subject information required per Site Development Review Supplemental forms.
- If you have any questions, please call (510) 670-5410.

1. Applicant Name: _____
2. Contact the Planning Department at (510) 670-5410 to make an appointment with a Senior Planner to submit the following materials to the Alameda County Planning Department (Zoning Counter) at 399 Elmhurst Street, Hayward, California. **We will not accept incomplete applications.** Please use the following checklist to ensure the application is complete.

Required

Standard Application form.

Application Supplement: *Conditional Use Permit* form.

Filing Fee Deposit: Make check payable to “**Treasurer, County of Alameda.**”

\$1,500 deposit for all Districts. **\$4,000** deposit to approve: *an outdoor recreation facility, sanitary landfill, flight strip, heliport, cemetery, church, or school.* If this deposit is depleted, the Planning Staff will advise you that additional funds must be deposited to continue the processing of this application. Any remaining unexpended money will be refunded.

Plot plan (20 copies): Show all information as shown on the **Sample Plot Plan** on the back of this form. Minimum paper size is 8½ x 11 inches. Larger plans shall be folded to 8½ x 11 inches.

Written Statement: On an attached sheet, briefly explain how your property specifically relates to each of the following findings required to approve a Conditional Use Permit.

1. The use is required by the public need.
2. The use will be properly related to other land uses transportation and service facilities in the vicinity.
3. The use, if permitted, under all the circumstances and conditions of the particular case, will not materially affect adversely the health or safety of persons residing or working in the vicinity, or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.
4. The use will not be contrary to the character or performance standards established for the District in which it is to be located.

Supporting Documents: Other documents to support the project may include elevations, floor plans, applicable permits from other County, State or Federal agencies.

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C-**Conditional Use Permit Application Supplement**

If Conditional Use Permit involves new construction or additions, then subject information required per Site Development Review Supplemental forms.

Other Information requested by Planner: _____

Call for appointment to meet with a Senior Planner for submittal.

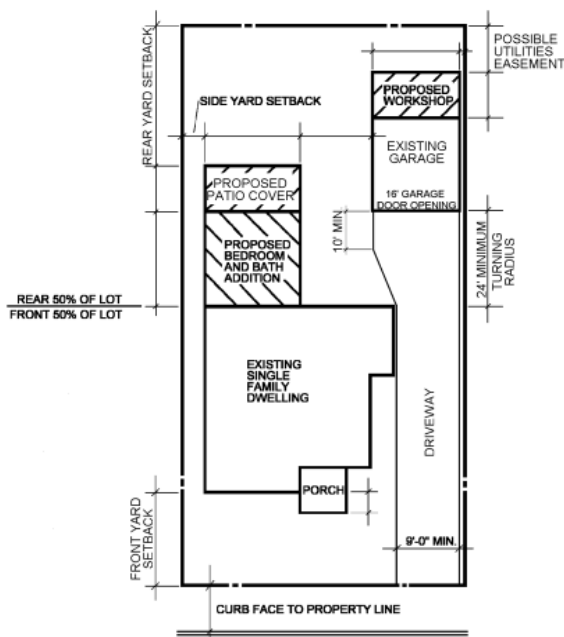
Applicant Signature verifying that the applicant understands the application process:

Applicant Signature

Date

Sample Site Plan**Site Plan should include the following:**

1. North direction arrow.
2. Scale. You must use 1 inch = an even number of feet (i.e. 20 feet, 40 feet, 100 feet, or 600 feet depending on the size of your property).
3. Boundaries of the parcel, including dimensions (you may need a plot map of your property).
4. Location, dimensions, and purpose of rights-of way and easements within the property.
5. Location, dimensions, and use of all existing and proposed structures.
6. Distances of existing and proposed structures from all property lines, from rights-of way, easements, and other structures.
7. Location of all utilities labeled existing or proposed, including septic tank and drainfield, water, power, phone etc.
8. Location and dimensions of all proposed and existing roads, driveways, parking areas, patios, decks, walkways, and other impervious (paved) area(s).
9. Location of any surface water (streams, culverts, drainage ways), or any distinguishing land features such as slopes within or adjacent to the parcel.
10. Extent of area which will be disturbed by construction activity, clearing, digging, or earth moving.
11. On the back of your site plan, please provide detailed directions to the site.
12. Vicinity map.

**TYPICAL PLOT PLAN DETAIL**

Revised 1/09

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